

ORDINANCE NO. 2014-14

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE II. ADMINISTRATION, DIVISION 3. COMPREHENSIVE PLAN, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-102 ENTITLED "PROCEDURES FOR AMENDMENTS" TO REVISE PLAN AMENDMENT PROCEDURES TO CONFORM TO CURRENT STATE LAW AND MISCELLANEOUS REVISIONS AND REVISING SECTION I-5 ENTITLED "COMPREHENSIVE PLAN AMENDMENTS" OF THE LAND DEVELOPMENT CODE TO REVISE PLAN AMENDMENT PROCEDURES TO CONFORM TO CURRENT STATE LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its regularly scheduled meeting of February 12, 2014 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to revise the municipal procedure for comprehensive plan amendments to conform to current state law in both the Hialeah Code and the Hialeah Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article II. Administration, Division 3. Comprehensive Plan, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-102 entitled "Procedures for amendments", to read as follows:

Chapter 98

ZONING

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ARTICLE II. ADMINISTRATION

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DIVISION 3. COMPREHENSIVE PLAN

* * *

Sec. 98-102. Procedures for amendments.

Comprehensive plan amendments shall be considered ~~only on an annual basis in accordance with~~ according to the following procedural ~~calendar and~~ regulations:

- (1) Property owners or their authorized representatives, who possess written authorization, shall be the only eligible applicants for comprehensive plan amendments, other than the city itself, through its planning division. Applications may be submitted at any time during the calendar year.
- (2) ~~During the first week of November of each year, the city shall cause to be published a block ad notice of its intention to accept applications for amendments to the comprehensive plan.~~
- (3) ~~Applications shall be received by the city from January 1 through January 31 in such form and in such numbers as determined by the planning division and as made available to the applicants at the time of the city's publication of its notice of intention to accept applications.~~
- (4) ~~Planning division staff shall review all submitted applications for comprehensive plan amendments during~~

~~February and March and shall prepare a comprehensive written recommendation with respect to each application, including any initiated by the city itself.~~

- ~~(5) On the first Wednesday of April, the planning and zoning board shall hold a public hearing to consider applications for amendments to the comprehensive plan and shall, upon conclusion of the public hearing, make a recommendation to the city council with respect to each application.~~
- ~~(6) On the first Tuesday of May, the city council shall hold a public hearing to consider the recommendations of the planning and zoning board with respect to applications for amendments to the comprehensive plan and shall, upon conclusion of the public hearing, adopt, by a 5/7th vote of the council, a resolution expressing an intent to adopt those proposed amendments to the comprehensive plan that it considers to be in the best interest of the residents, property owners and the citizens of the city. At the discretion of the planning division, city initiated amendments may be held once, at any time, during the year pursuant to F.S. ch. 163.~~
- ~~(7) Upon adoption of the council resolution, the proposed amendments to the comprehensive plan shall be forwarded to the appropriate county, regional and state agencies for review and comment and shall thereafter be adopted in accordance with the provisions of F.S. § 163.3184.~~
- (82) An applicant for an amendment to the future land use map of the comprehensive plan, ~~prior to~~ after such applicant's application ~~being~~ has been accepted by the planning division for processing, shall post, on the applicant's property, at the applicant's expense, a sign notifying the public of the intent to seek a future land use map amendment. Such sign shall be posted in the same manner as that provided for zoning amendments, governed by section 98-196.
- (93) An applicant for an amendment to the future land use map shall, at the applicant's expense, prepare for and provide to the city a radius map and a property ownership list in the same form as that required for a zoning change as governed by Charter section 4.07 section 4.07(a)(4) and

section 98-193 herein.

~~(104)~~ Property owners within a 500-foot radius of the property for which a future land use map is sought to be amended shall be notified of such amendment application, by mail, in addition to any ~~statutorily~~ required published notice. The applicant shall bear the costs of notification to all the property owners within the 500-foot radius. The applicant shall bear the costs of published notice in the newspaper unless the city is proposing a city-initiated plan or text amendment at the same time.

~~(115)~~ All applications for a land use amendment to residential office designations shall be accompanied by a site plan indicating the items specified in section 98-230 herein.

(6) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in F.S. § 163.3187.

(7) Plan amendments, except as otherwise provided by state law, shall follow the expedited review process in F.S. § 163.3184(3). The city council shall conduct its first public hearing upon recommendation of the planning and zoning board. The city council shall consider such plan amendment applications pursuant to the expedited review process. If such applications are approved, the city council approval shall be by resolution supported by a minimum of five affirmative votes, expressing its intent to adopt such applications. The city council shall conduct its second public hearing at the time of final adoption (second reading) of a proposed ordinance approving an applicant's plan amendment. Accordingly, comprehensive plan amendments shall be adopted by ordinance and become effective as provided by state law.

Section 2: The Land Development Code of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Section I-5. Comprehensive plan amendments, to read as follows:

LAND DEVELOPMENT CODE

INTRODUCTION

* * *

Sec. I-5. Comprehensive plan amendments.

~~(a) — *Annual cycle.* There is one annual cycle of amendments to the Hialeah Comprehensive Plan. The procedure for comprehensive plan amendment applications and the dates of hearing on such applications is governed by Hialeah Code sections 98-102 and 98-103 and division 6 of article II of chapter 98, as amended from time to time.~~

~~(b) — *Additional amendment time periods.* City initiated amendments may be scheduled once every year at any time. Amendments directly related to developments of regional impact pursuant to F.S. § 380.05, as amended, Florida quality developments pursuant to F.S. § 380.061, as amended, small-scale development activities pursuant to F.S. § 163.3187(1)(e), or amendments in the case of an emergency pursuant to F.S. § 163.3187(1)(a) may be approved without regard to statutory limits on the frequency of consideration of amendments to the Hialeah Comprehensive Plan as provided in F.S. § 163.3187.~~

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as

abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Inclusion in Code and Land Development Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances and the Land Development Code of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

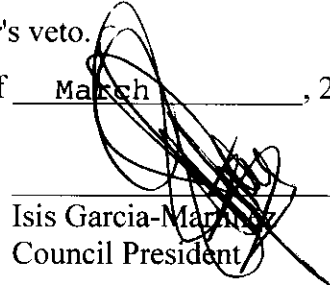
Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

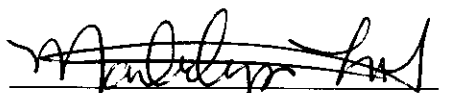
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 11 day of March, 2014.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of March, 2014.


Marbelys Fatjo, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

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Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".